

Message Text

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42

ACTION AF-06

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FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC 4568

INFO AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

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LIMITED OFFICIAL USE CAPE TOWN 0441

E.O. 11652: N/A

TAGS: PINS, WA, SF

SUBJECT: SWAPO LEADER MERORO CONVICTED, RECEIVES SUSPENDED
SENTENCE

REF: CAPE TOWN 418 (NOTAL)

1. BEGIN SUMMARY. SWAPO'S NATIONAL CHAIRMAN DAVID MERORO
WAS CONVICTED APRIL 17 OF CONTRAVENING SUPPRESSION OF
COMMUNISM ACT BY KNOWINGLY HAVING IN HIS POSSESSION EIGHT
COPIES OF "THE AFRICAN COMMUNIST." HE WAS SENTENCED TO TWO
MONTHS, SUSPENDED FOR ONE YEAR. NO FINE WAS IMPOSED. MAXI-
MUM IMPRISONMENT UNDER CHARGES COULD HAVE BEEN THREE YEARS.
FOREIGN OBSERVERS PRESENT AT SENTENCING WERE OFFICERS FROM
AMERICAN AND AUSTRALIAN EMBASSIES. END SUMMARY.

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2. YESTERDAY, APRIL 16, IN TRIAL WITHIN A TRIAL, REGIONAL

COURT JUDGE L.V. DE KOCK FOUND THAT, JUST PRIOR TO MERORO'S RELEASE AFTER FIVE AND ONE-HALF MONTHS OF DETENTION, MERORO HAD "FREELY AND VOLUNTARILY" ADMITTED TO POLICE THAT HE POSSESSED THE COPIES OF "THE AFRICAN COMMUNIST." DEFENSE ADVOCATE DAVID SOGGOT HAD ARGUED THAT AFTER HAVING BEEN TORTURED BY POLICE, MERORO WAS READY TO ADMIT GUILT IN ORDER AVOID FURTHER TORTURE. SOGGOT SAID THAT EVEN IF JUDGE DID NOT BELIEVE MERORO HAD BEEN TORTURED, HIS STATEMENT OF GUILT SHOULD HAVE BEEN DEEMED INADMISSIBLE BECAUSE OF "SENSORY DEPRIVATION" WHICH MERORO HAD SUFFERED AFTER HIS LENGTHY SOLITARY CONFINEMENT. THAT IS, MERORO WAS A FRIGHTENED AND PSYCHOLOGICALLY AFFLICTED MAN WHEN HE ADMITTED GUILT. HOWEVER, JUDGE DE KOCK FOUND THAT DEFENSE HAD NOT CONCLUSIVELY PROVED MERORO WAS NON COMPOS MENTIS WHEN HE MADE HIS STATEMENT TO POLICE.

3. NEVERTHELESS, IN PASSING SENTENCE APRIL 17, DE KOCK SAID THE FIVE AND ONE-HALF MONTHS DETENTION WAS INDEED VERY SEVERE. SOGGOT TOLD POL COUNSELOR HE WAS SATISFIED WITH OUTCOME OF TRIAL AND THAT IT WAS NOTABLE DE KOCK HAD MADE NO ATTEMPT TO WHITEWASH POLICE, EVEN THOUGH HE HAD RULED THAT MERORO'S CONFESSION WAS ADMISSIBLE. SOGGOT SAID SWA JUDGES CUSTOMARILY PRAISE POLICE FOR THEIR GOOD WORK. NOT ONLY DID DE KOCK FOREGO THIS, BUT ALSO HE DID NOT BRAND MERORO A LIAR FOR HAVING ACCUSED POLICE OF TORTURE.

4. COMMENT: MERORO'S TRIAL MARKS END OF GOVERNMENT'S SOMEWHAT FARCICAL ATTEMPT TO PORTRAY SWAPO LEADERS IN NAMIBIA AS HIGHLY DANGEROUS BAND OF CONSPIRATORS AGAINST STATE. DEPARTMENT WILL RECALL THAT WHEN, IN EARLY 1974, AMBASSADOR HURD PROTESTED ABOUT APPLICATION OF TERRORISM ACT IN NAMIBIA WITH REPECT TO DETENTION OF SWAPO LEADERS, MINJUSTICE KRUGER ASSURED HIM SAG HAD CONCLUSIVE EVIDENCE THAT ALL DETAINEES HAD COMMITTED SERIOUS CRIMES, AND THAT THIS WOULD BE BORNE OUT DURING THEIR TRIALS. OF THE ELEVEN, ALL OF WHOM WERE KEPT IN SOLITARY FOR FIVE AND ONE-HALF MONTHS, ONLY THREE WERE CONVICTED DIRECTLY AS RESULT OF THEIR ARRESTS. DAVID TAAPOPI AND JOSEPH KASHEA RECEIVED FIVE-YEAR SENTENCES FOR INCITEMENT TO VIOLENCE (APPEAL IS PENDING), AND NOW MERORO HAS BEEN GIVEN EXTREMELY LIGHT LIMITED OFFICIAL USE

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SENTENCE FOR POSSESSION OF BANNED COMMUNIST LITERATURE. ONE EFFECT OF DETENTIONS, THOUGH, IS THAT THEY WERE ONE FACTOR LEADING TO EXODUS OF HUNDREDS OF SWAPO AND SWAPO YOUTH LEAGUE MEMBERS TO ZAMBIA, AND CONSEQUENT WEAKENING OF SWAPO MOVEMENT INSIDE NAMIBIA. EDMONDSON

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